

AFFIDAVIT OF DUNCAN HUGH BARCLAY AND JOAN WEIBEL

We, Duncan Hugh Barclay and Joan Weibel, declare and state that:


1. We are co-inventors of the subject matter of the reference PCT/GB2004/003791 (WO 2005/024684), hereinafter referred to as the "PCT Application", claiming priority to GB0320775.0 filed 4th September 2003 and GB0410389.1 filed 10th May 2004.
2. The PCT Application forms part of the business model for Proxim-IT Ltd, a UK based software solutions company which provides software solutions and tools relating to newsroom management.
3. We are both Directors of Proxim-IT. The main shareholder and president of Proxim-IT is Duncan Barclay. The Managing Director of Proxim-IT is Joan Weibel. Decisions relating to the PCT Application are to be made jointly between us.
4. Duncan Barclay has and is developing further business activities and divides his available time between Proxim-IT and other his interests. A significant proportion of Duncan Barclay's time is spent travelling, both within the UK and abroad. Consequently, his general availability to Proxim-IT is variable.
5. On the 31st January 2006, our patent attorneys, David Keltie Associates, informed Joan Weibel of the national phase deadline for the PCT Application. For the United States of America, the relevant date was 4th March 2006. A follow up communication was sent from David Keltie Associates to Joan Weibel on 1st March 2006.
6. During the period leading up to the US national phase deadline of 4th March 2006, Joan Weibel was unable to communicate with Duncan Barclay regarding the patent planning process relating to the PCT Application.
7. As a consequence of the difficulties discussed in point (6) above a decision regarding the filing of national phase patent applications from the PCT Application was made by Joan Weibel without the input of Duncan Barclay. David Keltie Associates were therefore instructed to take no action with respect to national phase applications.
8. On 15th March 2006, Duncan Barclay became aware of the status of the PCT Application and in particular that no national phase patent applications had been filed at the 30 month deadline of 4th March 2006.
9. Since it was the intention of Duncan Barclay to pursue the PCT Application via national phase applications in, amongst other territories, the United States of America, a decision was made to contact our patent attorneys and to attempt to recover a US national phase application.
10. On 16th March 2006, Joan Weibel had a meeting with David Keltie Associates to determine possible courses of action. During the meeting David Keltie

Associates advised of the possibility of filing a "petition to revive an unintentionally abandoned application".

11. The earliest date for Joan Weibel and Duncan Barclay to consider the options presented at the meeting was 23rd March 2006. A decision was taken between the two of us to pursue the option to file a petition to attempt to revive the US national phase application of the PCT Application. David Keltie Associates were instructed to prepare the necessary documentation on the same day, 23rd March 2006.

12. This affidavit was received for signature on 28th March 2006.

13. Since the decision regarding the national phase applications was made without the input of both co-inventors of the PCT Application (due to a communication breakdown between the undersigned), we regard the abandonment of the US national phase application from the PCT Application to be unintentional.

Date 31 March 2006
Signed Duncan Hugh Barclay 

Date 31 March 2006
Signed Joan Weibel 